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Administration of justice at the United Nations

Activities of the Ombudsman

Report of the Secretary-General

Summary

The General Assembly, in its resolution 59/283 of 13 April 2005 entitled "Administration of justice at the United Nations", having stressed the importance of the Office of the Ombudsman as the primary means of informal dispute resolution, requested the Secretary-General to submit in the context of his annual report on the administration of justice in the Secretariat, information on the activities of the Ombudsman including general statistical information on trends and comments on policies, procedures and practices that had come to the attention of the Ombudsman.

The present report covers the operations of the Office of the Ombudsman from 25 October 2002 to 31 August 2005.

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I. Introduction

1. This is the first report of the Secretary-General to the General Assembly on the activities of the Ombudsman. In paragraph 22 of its resolution 59/283 of 13 April 2005 entitled "Administration of justice at the United Nations", the Assembly requested the Secretary-General to submit, in the context of his annual report on the administration of justice in the Secretariat, information on the activities of the Ombudsman, including general statistical information on trends and comments on policies, procedures and practices that had come to the attention of the Ombudsman.

2. The Office of the Ombudsman was established pursuant to General Assembly resolutions 55/258 of 14 June 2001 and 56/253 of 24 December 2001. The appointment on 26 April 2002 of the first United Nations Ombudsman, after consultation with the staff, responded to the long-identified need to further supplement the existing system of conflict resolution within the Secretariat by providing the services of an impartial and independent person to address the employment-related problems of staff members, as a means of obviating recourse to the formal grievance process.

3. The Ombudsman assumed duties on 14 July 2002, and the Office was launched on 25 October 2002 as part of United Nations Staff Day activities.

4. In keeping with the mandate of an organizational ombudsman, the Ombudsman facilitates fair and equitable conflict resolution, and makes recommendations for change in policy or practice where a particular dispute or set of issues reflect a larger systemic problem fostering conflict or dissatisfaction in the workplace.

5. The Ombudsman reports regularly to the Secretary-General on the activities of the Office, and raises relevant issues with management and staff, when deemed appropriate, to facilitate conflict resolution and contribute to managerial excellence.

6. Since its inception, nearly 1,400 staff members have sought the assistance of the Ombudsman's Office. This figure reflects approximately 4.8 per cent of the total constituency of the Office (estimated at 29,000 members of staff) and is consistent with recognized standards of an organizational ombudsman's office.

7. After its first year of operation, the Office of the Ombudsman underwent a peer review by a team of external conflict resolution specialists to assess the services made available to staff members and to analyse the strengths and any shortcomings of the Office. The review concluded, inter alia, that the Office had been effectively launched and that staff members generally had their concerns resolved in a timely manner. While it is difficult to assess the impact of the Office, one possible indicator is the reduction in the number of cases submitted to the Joint Appeals Board in New York — by 30 per cent in 2003 and by a further 14 per cent, in 2004. At the same time, feedback received from staff who have used the services of the Office indicates that the overwhelming majority were satisfied with the process and that in over 70 per cent of the cases closed, staff members were satisfied with the outcome.

8. In order to strengthen harmonization of practices and procedures, the Office has contributed to the establishment of a network of ombudsmen of the United Nations system and the Bretton Woods institutions. One of its aims is to standardize terms of reference and unify practices of ombudsmen within the system, while maintaining the independence of each office.

II. Operational framework of the Office

A. Terms of reference

9. The terms of reference of the Ombudsman, as set out in Secretary-General's bulletin ST/SGB/2002/12 of 15 October 2002, state that the Ombudsman shall have authority to consider conflicts of any nature related to employment by the United Nations (see annex). The term "conflict" includes, inter alia, matters pertaining to conditions of employment, administration of benefits, and managerial practices, as well as professional and staff relations matters. The terms of reference also include the following:

1. *Working principles.* The Ombudsman is independent of all United Nations organs or officials. The Ombudsman, as a designated neutral, has the responsibility of maintaining strict confidentiality concerning matters that are brought to his or her attention. The Ombudsman cannot be compelled by any United Nations official to testify about concerns brought to his or her attention. The Ombudsman does not have decision-making powers, but advises and makes suggestions or recommendations, as appropriate, on actions needed to settle conflicts, taking into account the rights and obligations existing between the Organization and the staff member, and the equities of the situation.

2. *Reporting line and access to the Secretary-General.* The Ombudsman has direct access to the Secretary-General, as needed, for the performance of his or her functions, reports periodically to him on his or her activities and has the right to comment on policies, procedures and practices that have come to his or her attention.

3. *Access to records.* The Ombudsman has access to all records concerning staff, except medical records.

4. *Access to the Ombudsman.* All staff members have voluntary access to the Ombudsman. No person who brings a matter to his or her attention shall be subject to reprisals because of such action. The Ombudsman does not review cases that are already in the formal process.

B. Staffing

10. The Office had been established in 2002 with the posts of an Ombudsman at the level of Assistant Secretary-General for a non-renewable five-year term and a Legal Officer (P-4) who assumed duties in October 2003. A D-1 post was initially loaned on a non-reimbursable basis to the Office by the United Nations Children's Fund (UNICEF), and two General Service staff and two Professional staff were redeployed on a temporary basis to enable the Office to start operations. A new D-1 post for the biennium 2004-2005 was approved by the General Assembly. Under the support account for peacekeeping operations, a post for a Case Officer (P-4) was approved for the year 2004/05 and renewed for 2005/06.

11. To assist in furthering its mandate, and enhancing accessibility for staff outside of Headquarters, a branch of the Office was established in Vienna, as a pilot project. The functioning of this Office was guided by the terms of reference of the United

Nations Ombudsman as contained in document ST/SGB/2002/12. The Office is now proposing to support the establishment of regional branches as a successor to the pilot project to assist the Ombudsman in discharging his or her mandate, in particular in respect of staff outside of Headquarters, and to ensure that this integral part of the constituency of the Office is served in a timely and adequate manner.

12. This proposal is in concurrence with the recommendations of the General Assembly included in resolution 59/283, stressing the importance of the Office of the Ombudsman as the primary means of informal dispute resolution, and requesting that the Office of the Ombudsman continue and expand its outreach activities, in particular to local, national and General Service staff, in order to facilitate equal access and awareness. In accordance with paragraph 20 of the resolution, in which the Assembly requested the Secretary-General, inter alia, to submit proposals for strengthening the Office of the Ombudsman through improved access to it for staff serving in different locations, the Secretary-General's submission for the revised budget for 2006-2007 includes the strengthening of the Office at Headquarters and the creation of three Chief of Branch positions in Geneva, Nairobi and Vienna to service the staff of the respective United Nations Offices based in these duty stations and, on an ad hoc basis, the staff of neighbouring peacekeeping missions.

III. Operations and activities

A. Provision of services to staff members

13. In accordance with the terms of reference of the Ombudsman, the Office of the Ombudsman is guided by the Charter of the United Nations, the Staff Regulations and the Staff Rules, as well as by the principles of justice and fairness. The Office has the responsibility for maintaining strict confidentiality concerning matters that are brought to its attention. The Ombudsman cannot be compelled to give evidence relating to matters brought to his or her attention. No person who brings a matter to the attention of the Ombudsman or provides information to the Ombudsman shall be subject to reprisals because of such action.

14. An initial interaction with the staff member takes place either in person or by prearranged telephone appointment. The Ombudsman will advise and make suggestions or recommendations, as appropriate, on actions needed to settle conflicts. In almost 50 per cent of the cases, staff members choose to preserve their anonymity and feel empowered to pursue resolution of the issue on their own while maintaining contact with the Ombudsman. In these cases, the Ombudsman does not consult with a third party. In other cases, it is agreed with the staff member that the best course of action is for the Ombudsman to assist in the resolution of the conflict through contact with a third party. The resolution of most of these cases requires several consultations with the staff member and the office concerned. It should be noted that the Office receives full cooperation in most instances from all relevant officials, which thus contributes to an expeditious resolution of cases.

15. The remaining cases are either those found to have been outside the terms of reference of the Ombudsman or those that the Joint Appeals Board has already commenced hearing, excluding the intervention of the Office.

B. Analysis of data

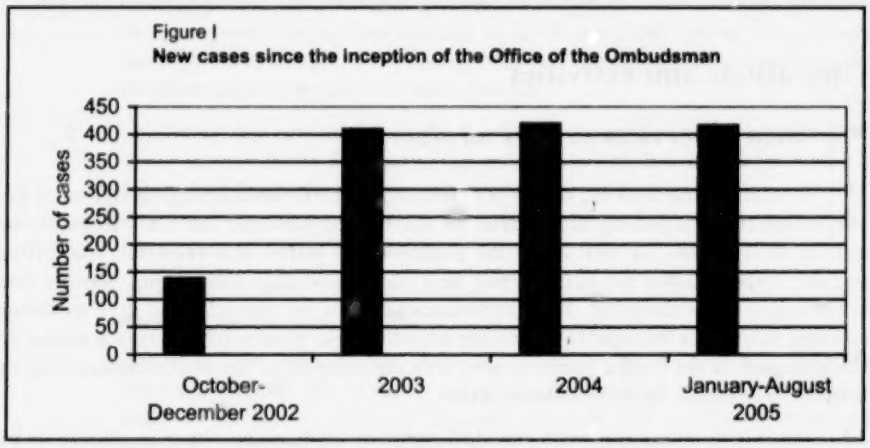
16. The constituency of the Office is estimated at 29,000 staff worldwide. Since the Office commenced operations on 25 October 2002, it has provided assistance to a total of 1,386 staff members from all occupational groups and all grade levels.

17. An internal database has been established that keeps anonymous information on cases submitted to the Office for resolution.

1. Number, location and occupational category of visitors

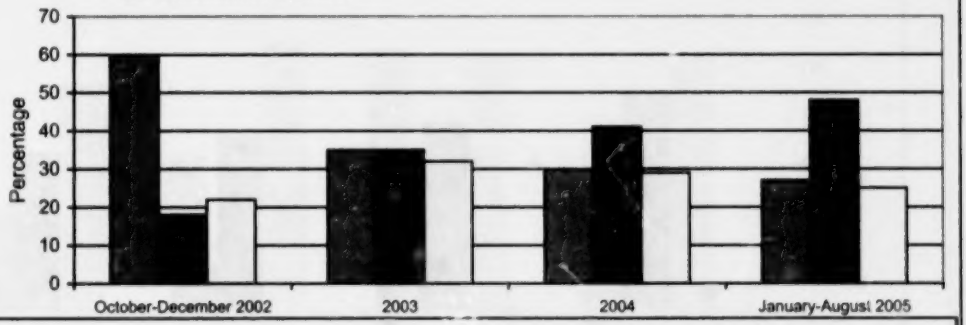
18. Figure I shows that the Ombudsman's Office was welcomed by staff members, right from the beginning of its operations: 139 persons, mostly from Headquarters, contacted the office over the last three months of 2002. During 2003 and 2004, the initial interest was confirmed with, respectively, 410 and 420 new cases. In 2005, the Ombudsman's Office has faced an important increase in the number of new cases. Between January and August 2005, there were 417 new cases, an increase of 44 per cent over the figure for the same period in 2004.

Figure I
New cases since the inception of the Office of the Ombudsman



19. As shown in figure II, while in 2002, almost 60 per cent of the staff seeking assistance from the Office had been from Headquarters, by 2003, owing largely to the increase in outreach and communications efforts with staff outside of Headquarters, 35 per cent of the cases came from Headquarters, while 38 per cent came from offices away from Headquarters and 27 per cent from peacekeeping missions. By 2004, as the role of the Office in informal conflict resolution became more widely known, the number of staff members from missions and offices away from Headquarters seeking assistance had increased. As a proportion of the whole, staff from Headquarters seeking assistance was reduced to 30 per cent, while the proportions of staff from offices away from Headquarters and staff from peacekeeping missions were 41 per cent and 29 per cent, respectively. In 2005, the proportion of staff from offices away from Headquarters reached a level of 48 per cent, while the proportions of staff from Headquarters and staff from field missions were reduced to 27 per cent and 25 per cent, respectively.

Figure II
Trends in geographical distribution of cases of staff seeking assistance from the Ombudsman's Office



■ Headquarters

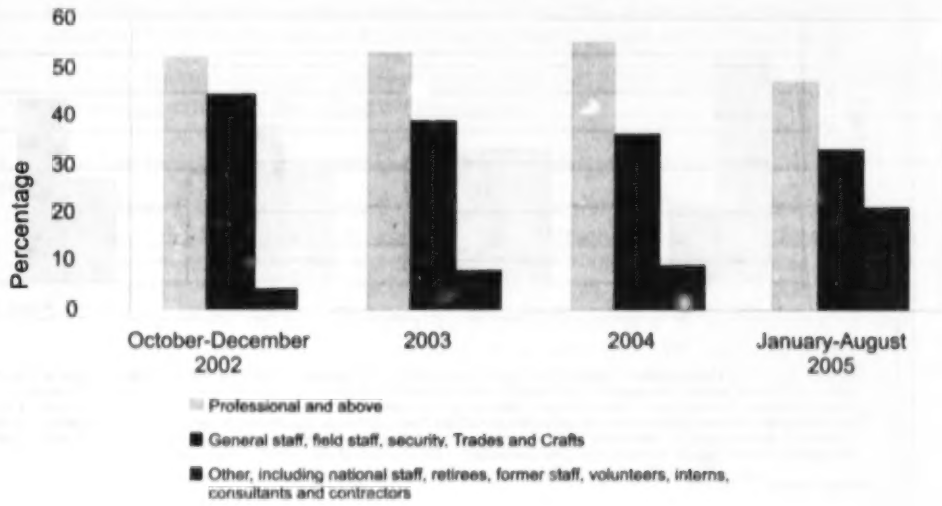
■ Offices away from Headquarters including the United Nations Office at Geneva, the United Nations Office at Vienna, the United Nations Office at Nairobi, the regional commissions, the International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January and 31 December 1994, the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991, etc.

□ Field missions

20. Figure III presents the breakdown of cases by occupational category. As the figure shows, the proportion of staff members seeking assistance in the Professional and higher categories has remained relatively stable and dominant, reaching a level of approximately 50 per cent over the reporting period. The second most important category of staff comprises General Service, Trades and Crafts, Field Service and Security Service. The proportion of staff from this category seeking assistance has ranged from 33 to 44 per cent over the reporting period. It is from concern for the adequate coverage for this important and numerous group that the Ombudsman seeks to provide assistance at the regional level. In terms of seeking assistance, the last category, which includes all "others", mainly retirees, former staff and national staff, has evolved differently. The number of cases originating from this category was initially marginal, their proportion of the total number of cases being only 4 per cent in 2002; but since then, that proportion has become significant — 21 per cent of the total number of cases in 2005.

21. Regarding gender distribution, the records show consistently equal proportions since inception: 50 per cent of the cases were brought by males and 49 per cent by females. The residual 1 per cent refers to cases brought by groups of two or more staff members.

Figure III
Breakdown of cases by occupational categories



2. Types of issue and service provided

22. As already noted, Secretary-General's bulletin ST/SGB/2002/12 states that the Ombudsman shall have the authority to consider conflicts of any nature related to employment by the United Nations (para. 3.6). The term "conflict" includes, inter alia, matters pertaining to conditions of employment, administration of benefits, and managerial practices, as well as professional and staff relations matters.

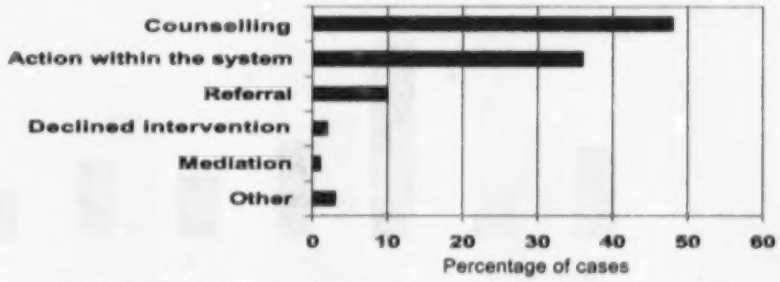
23. Figure IV indicates the distribution of issues raised by those who sought the assistance of the Office. The most important type of issue raised by staff was promotion or career-related. Three hundred sixteen cases were linked to these issues which included grievances regarding the recruitment process and the denial of promotion as well as questions related to grade at entry, job classification, special post allowance and conversion from one type of contract to another. The second most important type of issue (161 cases) was related to separation and termination of contract, with some staff members having contacted the Ombudsman's Office when their contracts were about to end or had already ended. The cases originating from interpersonal conflicts were third in number (148), followed by those originating from entitlement claims (119) entailing implementation of the staff rules and regulations regarding leave, insurance, pension, education grant and travel, mobility or hardship. Two other types of issues had similar importance: conditions of service (103 cases) and standards of conduct (83 cases).

Figure IV
Breakdown of cases by issue, 1 October 2002-31 August 2005

Interpersonal issues (IP) include personality issues, management skills, problems with co-workers.
Standards of conduct issues (SC) include violation of International Civil Service Commission standards of conduct, harassment, retaliation.
Promotion/career-related issues (PC) include performance appraisal, grade at entry, special post allowance, denial of promotion.
Separation/termination issues (ST) include abolition of post, non-renewal.
Conditions of service issues (CS) include work/life issues, selection or appointment, salary at entry.
Entitlements issues (E) include leave, insurance, pension, education grant and travel, mobility and hardship.
Others (O).

24. Figure V describes the type of service provided by the Ombudsman's Office. In almost half of the cases (48 per cent), the assistance involved counselling. The Ombudsman listened to the visitor, identified his or her options, and eventually provided neutral advice and guidance. This advisory role remains strictly confidential. The second type of service consists in any kind of action undertaken by the Ombudsman, within the system, to resolve the problem brought to her attention. This action is undertaken only with the authorization of the staff member. This type of service was provided in 36 per cent of the cases. The referral service[2] was provided in a significant portion of cases (10 per cent) while the number of mediation cases (1 per cent) was marginal. The "other" category (3 per cent) included cases already in the formal system of justice, cases sent to the Ombudsman's Office for information, and situations in which the staff member decided not to pursue the case further.

Figure V
Types of service provided by the Ombudsman's office, 1 October 2002-31 August 2005



"Other" includes cases already in the formal system of justice, cases sent to the Ombudsman for information only, and cases that staff decided not to pursue.

C. Outreach and communication activities

25. The Office was launched in conjunction with the creation of a website in all six official languages and a desk-to-desk distribution of material with information on the Office and how to contact it. In keeping with the request contained in General Assembly resolution 59/283 that the Office of the Ombudsman continue and expand its outreach activities, a new, revamped website was launched in April 2005. Offices away from Headquarters and peacekeeping missions that have websites were invited to establish direct links to this site. A seven-minute video ("Meet the Ombudsman") has been prepared in English and French with the assistance of the Department of Public Information of the Secretariat and sent to all offices outside New York and to most peacekeeping missions. Also, as part of the outreach, for the second anniversary of the Office, two panels were organized in New York and Geneva to discuss the role of the Ombudsman. The panels were chaired, respectively, by the Deputy Secretary-General and by the Director-General of the United Nations Office at Geneva.

26. In addition to holding regular briefings with the Secretary-General and the Deputy Secretary-General, the Ombudsman has held periodic meetings with heads and senior officials of departments, including the Office of Human Resources Management of the Secretariat. The Ombudsman has also participated in departmental staff and town hall meetings. Meetings have also been held with the Staff Council and staff representatives at Headquarters and at all duty stations visited. These meetings provided opportunities for the Ombudsman to explain her role and functions, as well as to better understand the operational requirements of the departments and offices concerned.

27. The Ombudsman has also maintained regular contacts with all units dealing with conflict resolution, including the United Nations Administrative Tribunal, the Joint Appeals Board, the Panel of Counsel, gender focal points and the Panels on Discrimination and Other Grievances.

28. With regard to field-related issues, the Ombudsman has regular meetings with the Department of Peacekeeping Operations/Personnel Management and Support Service and has disseminated information on the role of the Ombudsman to field missions through "Staff Matters".[3] At the invitation of the Department of Peacekeeping Operations, the Ombudsman participated in a meeting held in Singapore in June 2004 for the purpose of developing Standardized Generic Training Modules (level 3) for senior civilians, civilian police and military personnel for United Nations peacekeeping operations.

29. The Ombudsman has visited all the regional commissions except the Economic and Social Commission for Western Asia (planned for October 2005), both the International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January and 31 December 1994 in Arusha, the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991 in The Hague, and peacekeeping missions (including the United Nations Interim Administration Mission in Kosovo and the United Nations Operation in Burundi. During these visits, town hall meetings were organized to brief staff on the Ombudman's role and answer questions. Individual staff members held private meetings with the Ombudsman which were pre-arranged through the Ombudsman's Office in New York. In addition, the Ombudsman met with key managers, staff representatives and also staff members selected at random in each duty station.

D. Networking with organizational ombudsmen

30. The first formal meeting between the ombudsmen of the United Nations system and the Bretton Woods institutions was held at the United Nations Secretariat in New York in May 2003. Its purpose was to explore ways of achieving a common understanding of the role of the ombudsman in the United Nations system and the Bretton Woods institutions, as well as to harmonize related practices and operations, while respecting the autonomy of each particular organization. The second annual meeting was held in Geneva from 28 to 30 April 2004. The reports of these meetings have been submitted to the United Nations System Chief Executives Board for Coordination for information. The Ombudsman will attend the next Annual Meeting of Ombudsmen and Mediators of the United Nations and Bretton Woods institutions which will be held in Geneva from 3 to 5 October 2005.

31. Since its inception, the Office has maintained a close relationship with The Ombudsman Association, the main professional association for organizational ombudsmen from corporations, Governments, international organizations and universities worldwide. Staff of the Office have participated in specialized training organized by the Association, and in mediation training provided at no cost to the Office by Columbia University and municipal centres in New York.

E. Indications of impact

32. Indicators of achievement used by the Office include: (a) the number of conflicts for which a resolution was facilitated by the Ombudsman and (b) the reduction of cases addressed to the formal grievance system.

33. The impact of the Ombudsman's Office is difficult to assess both quantitatively and qualitatively. Information on output (defined as services rendered), is presented in section III.B above, based on the database established by the Office. The nature of the database will remain constant during the Ombudsman's five-year term, in order to allow for comparison of data. In 48 per cent of the cases, the Ombudsman provided counselling, discussing in a neutral and informed manner the different alternatives available to the staff member.

34. In 36 per cent of the cases, there was a deferred mediation with a third person. A conservative estimate based on the feedback provided puts at a minimum of 75 per cent the proportion of staff satisfied with the services provided. Staff have a deep appreciation of the possibility of accessing this service, independently of grade or location. An anonymous feedback form, which is provided to each visitor in a box at the entrance to the Office, can be filled out in person or online. This has been closely monitored and in an overwhelming majority of cases, there were very positive reactions to the services offered by the Office. Further external peer review evaluations are planned so that the overall performance of the Office can be independently assessed and monitored.

35. At the same time, since the Office of the Ombudsman has been established, there has been a significant decline in the number of cases submitted for formal resolution to the Joint Appeals Board at Headquarters — a decline of 30 per cent by 2003 and a further decline of 14 per cent by 2004. Data provided by the Board show that in 2001 there had been 60 appeals lodged. In 2002, there were 72 appeals submitted, while in 2003 and 2004, the number of cases submitted to the Board for resolution were 50 and 42, respectively (the latter figure including one class action of 232 appellants). In some instances, cases for which the Board had not started a formal hearing were later withdrawn once an informal resolution had been facilitated.

IV. Systemic issues and challenges

36. An emphasis on conflict management would serve to eliminate a large number of conflicts and reduce the time and expense involved in conflict resolution. The focus must therefore be on creating an organizational culture where staff members adhere to the Organization's core values. Competency-based interviews, which attempt to identify and recruit candidates on the basis of these core values, should be used system-wide. Staff awareness can be further raised through widely and regularly communicated policy statements, active employee outreach, and regular training.

37. A number of systemic issues and challenges have been identified through the review of cases encompassing:

Dissemination of clear and accurate information. Staff members at all levels require better understanding of, and information on, policies, procedures and

practices. It has been noted that a large proportion of the conflicts addressed by the Office arise from a lack of clear understanding and dissemination of existing rules and practices of the Organization.

Contractual arrangements. The fact that the Organization uses several types of contracts, with different types of benefits and entitlements, can create a sense of disparity and differential treatment among staff members. Further thought should be given to streamlining the various types of contracts.

Heightening transparency. The process of staff selection, recruitment and promotion should be vigilantly monitored in all its stages in order to increase transparency and confidence in the system.

Fostering managerial excellence. It is natural for managers to be seen as role models. Therefore, they have a special obligation to uphold the highest standards of conduct. Managers must understand the significance of diversity issues in the United Nations environment and respect the dignity, worth and equality of all people without distinction. Conflict management skills, which should be an integral part of managerial competence, must also be part of management training, and managers and staff at large should use the improved communication skills acquired from this training to resolve conflicts in the workplace.

Training. As indicated in the Charter of the United Nations, international civil servants should maintain "the highest standards of efficiency, competence, and integrity" (Article 101, para. 3). It is necessary to ensure training for new recruits irrespective of the type of contract and level of the staff involved. Further consideration should be given to making training mandatory for all staff with supervisory responsibilities.

Recognition of outstanding performance. The UN 21 Awards recognize staff members responsible for outstanding achievements in improving efficiency. It is necessary to identify ways and means of recognizing staff members who have provided exceptional service in the Organization or who have had a long and distinguished career at the United Nations.

Strengthening the conflict resolution system. It is recognized that an extensive part of the formal system of justice, namely, the Joint Appeals Board/Joint Disciplinary Committee, the Panels of Counsel and the ad hoc panels, rely on the voluntary contribution of staff members. This voluntary contribution by peers in the formal administration of justice needs to be recognized by the Organization. While the Ombudsman does provide mediation services, structured mediation and coaching should be made more widely available through the Ombudsman's Office and perhaps other offices as well. Specialized training for the volunteers in mediation and conciliation would enhance the effectiveness of the Board and other conciliation mechanisms.

Whistle-blowing protection policy. A policy on protection against retaliation for reporting misconduct — the establishment of rights and procedures against reprisal for individuals who choose to disclose evidence of internal malpractices — is an essential catalyst for transparency and for strengthening managerial/leadership accountability in any organization. The introduction of a whistle-blower's protection policy for the United Nations Secretariat would

complement the Organization's core values of integrity, professionalism and respect for diversity.

Discrimination: Issues of gender, racial and other forms of discrimination, especially when not clearly identifiable through blatant abuse, need to be addressed. The zero tolerance policy enunciated by the Secretary-General needs to be more widely disseminated and enforced.

Overall administration of justice: In paragraph 20 of its resolution 57/307 of 15 April 2003 on the administration of justice in the Secretariat, the General Assembly requested the Secretary-General, in consultation with the Ombudsman and staff representatives, to submit detailed proposals on the role and work of the Panels on Discrimination and other Grievances for consideration by the Assembly at its fifty-eighth session. The Ombudsman convened a team of conflict resolution practitioners to assess the functioning of the existing Panels and make recommendations. The report of the Secretary-General entitled "Administration of justice in the Secretariat: role of the Panels on Discrimination and other Grievances" (A/59/414) was submitted to the Assembly at its fifty-ninth session. The contribution of the Ombudsman thereto on the role and work of the Panels (sect. III) was based on the practitioners' report. A panel of external and independent experts will review the whole administration of justice system and submit its findings and recommendations to the Assembly by the end of July 2006.

Mission readiness: United Nations staff require certain skills, competencies and attitudes, such as the ability to manage risks, sensitivity to local customs and cultures, and flexibility in order to operate in the volatile and fragile environment imposed by field missions. Preparation of mission personnel for deployment to the field should entail all staff members' being equipped to efficiently manage critical incident stress. Such preparation should be based on the similar initiatives, such as the Staff Outreach Support Programme, that are already in place at Headquarters.

Locally recruited staff: Disparities of salaries, and sometimes of entitlement and security provisions, between locally recruited staff and international staff need to be addressed and, when appropriate, corrected. The reduction in the value of pensions payable to locally recruited staff, resulting from abrupt devaluations of national currencies, remains of great concern to this category of staff members.

V. Future directions

38. Based on the lessons learned from the experience of its first period of operation and the recommendations of the peer review team, the Office has included in its workplan for the biennium 2006-2007 the activities described below.

Communication and outreach

39. It is essential that the Office of the Ombudsman be better known by all staff members and made more accessible to all of them. The Office will continue its efforts to strengthen its communication and outreach strategy and provide accurate

information on the role of the Ombudsman and other procedures and resources on conflict management, including induction training for new employees.

Improved access to staff

40. As the data show, use of the Ombudsman's Office has increased steadily, including by staff from peacekeeping missions and offices away from Headquarters. Increased outreach needs to extend to the groups less represented among visitors, in particular national staff and General Service staff outside the main United Nations locations.

41. Regional branches could substantially improve the delivery of the services provided by the Ombudsman's Office and increase its coverage. Staff members located in offices away from Headquarters would then have immediate access to a person with whom they could interact directly. Data show that each of the field visits of the Ombudsman generated an important increase in the number of cases brought by national staff as well as a better understanding of the Ombudsman's role.

42. A comprehensive travel plan for the biennium will take into account the complexity and dispersion of the Office's constituency as well as the need to further establish the Office as a system-wide mechanism for conflict resolution. This will enable the Office to detect as early as possible systemic problems and trends.

Conflict management and systemic efficiency

43. One major goal of the Ombudsman is to foster systemic efficiency — while maintaining its own neutrality and independence. To this end, the Office will use all opportunities to promote an integrated systems approach to conflict management and provide support for the strengthening of all informal conflict resolution mechanisms currently in place. This would provide a better balance between formal and informal resolution options.

44. The Office will continue emphasizing induction training for all new recruits and training on conflict resolution for managers and staff at large. It will also encourage managers and staff at large to use their improved communication skills in the workplace, particularly in resolving conflicts.

45. The Office will conduct an assessment of hidden costs of conflicts. This will cover the estimated costs for wasted time, loss of skilled staff, and low morale and productivity, and health costs. Such an assessment would provide an indication of what to improve in the conflict management system.

Monitoring of performance

46. The Office will refine its current tracking information system as a key tool for case management, trend analysis and reporting. In addition, the Office intends to monitor its performance throughout its five-year term. An external evaluation of the Office (rapid assessment) was carried out in 2003. The Office will undertake a midterm review at the end of 2005 and an overall evaluation at the end of the current term. Standard operational procedures are being developed to guide the

Office and its future branches. Those procedures will be shared within the network of Ombudsmen and Mediators of the United Nations System and the Bretton Woods institutions.

Notes

[1] Promotion/classification/conversion issues include performance appraisal, grade at entry, special post allowance, posting, etc. Separation/termination issues include abolition of post and non-renewal. Entitlements issues include leave, insurance, pension, education grant, mobility and hardship allowances, and other benefits. Standards of conduct issues include violations of International Civil Service Commission (ICSC) standards of conduct, harassment, discrimination and retaliation. Multi-issues are those dealing with two or more of these categories or cross-cutting issues. Interpersonal issues include personality issues, management skills or style, and problems with co-workers. Conditions of service issues include work environment issues, selection or appointment, salary at entry, terms of contract, etc.

[2] Referral encompasses those cases that did not fall within the mandate of the Office of the Ombudsman, for example, cases brought from non-United Nations Secretariat staff and cases in which the Joint Appeals Board had started hearings.

[3] An internal monthly newsletter issued by the Personnel Management and Support Service of the Department of Peacekeeping Operations of the United Nations Secretariat.

Annex

Office of the Ombudsman: appointment and terms of reference of the Ombudsman

Section 1
Establishment of the Office of the Ombudsman

The Office of the Ombudsman is established in the Office of the Secretary-General to make available the services of an impartial and independent person to address the employment-related problems of staff members. The Ombudsman shall be guided by the Charter, the Staff Regulations and the Staff Rules, as well as by the principles of justice and fairness.

Section 2
Appointment of the Ombudsman

2.1 The Ombudsman shall be appointed by the Secretary-General at Headquarters at the Assistant Secretary-General level, after consultation with the staff.

2.2 The Ombudsman shall serve for a non-renewable five-year term and shall be ineligible for any other appointment in the United Nations after expiration of the term.

Section 3
Terms of reference of the Ombudsman

3.1 The Ombudsman shall have direct access to the Secretary-General, as needed, for the performance of his or her functions.

3.2 In the performance of his or her duties, the Ombudsman shall be independent of any United Nations organ or official.

3.3 The Ombudsman, as a designated neutral, has the responsibility of maintaining strict confidentiality concerning matters that are brought to his or her attention unless given permission to do otherwise. The only exceptions, at the sole discretion of the Ombudsman, are when there appears to be imminent threat of serious harm.

3.4 The Ombudsman shall have access to all records concerning staff. The exceptions to this are medical records that are not available without the express consent of the staff member concerned and records of an ongoing investigation until all formal proceedings have been completed and an administrative decision taken. Reports of the Joint Appeals Board shall be routinely sent to the Ombudsman unless the appellant objects.

3.5 The Ombudsman shall not be compelled by any United Nations official to testify about concerns brought to his or her attention.

3.6 The Ombudsman shall have authority to consider conflicts of any nature related to employment by the United Nations. The term "conflict" is to be construed in its broadest sense and includes, inter alia, matters pertaining to conditions of employment, administration of benefits, managerial practices, as well as professional and staff relations matters.

3.7 The Ombudsman may hear any of the parties involved in a conflict who want to avail themselves of his or her services. All interactions with the Ombudsman shall be voluntary. As necessary, the Ombudsman shall refer staff to the other means of conflict resolution.

3.8 The Ombudsman shall remain neutral and shall not assume the role of advocate for any party. The Ombudsman shall, in the exercise of his or her judgement, advise staff of their options and of the different avenues open to them. He or she shall facilitate conflict resolution, using any appropriate means for the primary objective of settling conflicts between parties, and obviate recourse to the formal grievance process. The Ombudsman shall not have decision-making powers, but shall advise and make suggestions or recommendations, as appropriate, on actions needed to settle conflicts, taking into account the rights and obligations existing between the Organization and the staff member, and the equities of the situation.

3.9 The Ombudsman may, at his or her discretion, decline to consider conflicts that can be remedied only by actions affecting the staff at large or all the members of a category of staff, or that the Ombudsman considers have not been brought to his or her attention in a timely manner, or that appear to be frivolous.

3.10 The Ombudsman may request the Joint Appeals Board to extend the normal time limit for filing an appeal within the framework of staff rule 111.2.

3.11 The Ombudsman shall provide reports regularly to the Secretary-General. The reports shall include an overview of the Ombudsman's activities and comments on policies, procedures and practices that have come to his or her attention.

3.12 The Ombudsman may be consulted on policy issues where his or her views and experience may prove useful.

Section 4
Access to the Ombudsman

4.1 All staff shall be informed of the manner in which they can bring matters of concern to the attention of the Ombudsman.

4.2 No person who brings a matter to the attention of the Ombudsman or provides information to the Ombudsman shall be subject to reprisals because of such action.